

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**MELT-RESISTANT FUDGE ARTICLE AND METHODS OF USING SAME**

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)  
☐ was filed in the United States on \_\_\_\_\_ as Application No. \_\_\_\_\_ (declaration not accompanying application) with amendment(s) filed on \_\_\_\_\_ (if applicable)  
☐ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

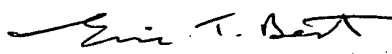

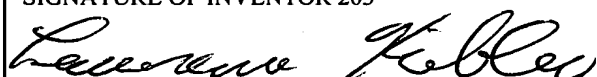
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME <b>BEST</b>	FIRST NAME <b>Eric</b>	MIDDLE NAME <b>T.</b>	
	RESIDENCE & CITIZENSHIP	CITY <b>Dublin</b>	STATE OR FOREIGN COUNTRY <b>Ohio</b>	COUNTRY OF CITIZENSHIP <b>United Kingdom</b>	
	POST OFFICE ADDRESS	STREET <b>6267 Wexford Woods Drive</b>	CITY <b>Dublin</b>	STATE OR COUNTRY <b>Ohio</b>	ZIP CODE <b>43016</b>
		SIGNATURE OF INVENTOR 201 		DATE <b>November 11, 2003</b>	
202	FULL NAME OF INVENTOR	LAST NAME <b>BARWICK</b>	FIRST NAME <b>Darryl</b>	MIDDLE NAME <b>R.</b>	
	RESIDENCE & CITIZENSHIP	CITY <b>Marysville</b>	STATE OR FOREIGN COUNTRY <b>Ohio</b>	COUNTRY OF CITIZENSHIP <b>United States</b>	
	POST OFFICE ADDRESS	STREET <b>270 Stocksdale Drive, #3C</b>	CITY <b>Marysville</b>	STATE OR COUNTRY <b>Ohio</b>	ZIP CODE <b>43040</b>
		SIGNATURE OF INVENTOR 202 		DATE <b>November 11, 2003</b>	
203	FULL NAME OF INVENTOR	LAST NAME <b>KIBLER</b>	FIRST NAME <b>Lawrence</b>	MIDDLE NAME <b>A.</b>	
	RESIDENCE & CITIZENSHIP	CITY <b>Marysville</b>	STATE OR FOREIGN COUNTRY <b>Ohio</b>	COUNTRY OF CITIZENSHIP <b>United States</b>	
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		SIGNATURE OF INVENTOR 203 		DATE <b>Nov 11, 03</b>	

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eric T. BEST, *et al.* Confirmation No.:  
 Application No.: To be assigned Group Art Unit:  
 Filing Date: Concurrently herewith Examiner:  
 Title: MELT-RESISTANT FUDGE ARTICLE AND METHODS OF USING SAME Attorney Docket No.: 88265-7618

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Mail Stop **PATENT APPLICATION**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application:

- ☒ is submitted herewith for recording and a copy is attached.  
☐ was submitted for recordation on \_\_\_\_\_ and a copy is attached.  
☐ was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.

The undersigned has reviewed this assignment and, to the best of his/her knowledge, title is in the assignee seeking to take action in this application and that he/she is empowered to act on its behalf.

ASSIGNEE:

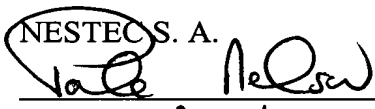
Signature:

Date of Signature:

Typed Name:

Position/Title:

Address:

NESTEC S. A.  
  
 13th November 2003  
 Paula Nelson  
 Vice President  
 Avenue Nestlé 55, 18000 Vevey, Switzerland